

the 104th Congress, the Senate is shirking its duty. That is wrong and should end. These are the nominations that the Senate on which the Senate should be working toward action.

I understand that nominations are not considered in lockstep order based on the date of receipt. I understand and respect the prerogatives of the majority party and the Republican leader. I do not want to oppose any nomination on the calendar and only ask that the Senate be fair to these other nominees, as well. Nominees like Judge Richard Paez and Marsha Berzon should be voted on up or down by the Senate. We are asking and have been asking the Republican leadership to schedule votes on those nominations so that action on all the nominations can move forward.

I know that there were no objections on the Democratic side of the aisle to the three judicial nominations that the Majority Leader included in his proposal last night. No Democrat has a hold on the nominations of Judge Florence-Marie Cooper, Barbara Lynn or Ronald Gould. No Democrat has any objection to proceeding to confirm by voice vote or to proceed to roll call votes on these nominations. No Democratic Senator has any objection to proceeding to confirm by voice vote or to proceed to rollcall votes on any of the 9 judicial nominations on the Senate's executive calendar. What we do ask is that Judge Paez and Marsha Berzon not be left on the calendar without a vote at the end of another session of Congress. We have been unable even to obtain a commitment from the Majority Leader to schedule a fair up or down vote on these nominations at any time in the future. We respectfully request his help in scheduling such action by the Senate.

IN MEMORY OF R. DUFFY WALL

Mr. BURNS. Mr. President, this has not been a good week—losing a friend and colleague; Payne Stewart, and, yes, another friend here in this town who had a government relations job.

We often hear the word "lobbyist" put in a negative tone, but this was a man who built a reputation of integrity and honesty in government relations.

This week, cancer claimed R. Duffy Wall. He died at his home on the Eastern Shore. He was friend and mentor.

You know what we would be without the folks who work in different areas of American life who represent that way of life to the Congress of the United States. We are not all wise. We do not know everything about everything. We need help. Duffy Wall was such a person—honest, straight shooter, a friend, dead at age 57, far too young. We will not get to use his services and wisdom anymore either.

I could talk longer about these friends. This has been a bad week, especially losing our Senator and losing a person very close to us.

Mr. President, I ask unanimous consent that the notes on Mr. Wall and his obituary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington, DC, October 25, 1999.

Following a long battle against lung cancer, R. Duffy Wall, 57, died yesterday at his home on the Eastern Shore—his wife Sharon was by his side. 'Duffy' as he was known by his many friends was a native of Louisiana who came to Washington in the 1970's and spent his entire career in the public policy arena. Known for his humor and ability to advise and "cajole" Members of Congress and clients on the intricacies of legislation, he was highly respected and admired by the powerful and the not-so-powerful alike.

In 1982, Mr. Wall founded R. Duffy Wall & associates providing lobbying and government relations services to a broad range of corporate clients. Under Mr. Wall's leadership, the firm grew into one of the Capital's most admired and successful lobbying operations attracting some of America's most prestigious companies and associations as clients. In 1998, the company was acquired by Fleishman-Hillard, an international communications company headquartered in St. Louis, Missouri.

Bill Brewster, the former Congressman from Oklahoma, who assumed the leadership of the company in 1998 and became CEO in 1999, said of Mr. Wall, "Duffy was a friend, advisor, and mentor to all of us for many years. He will be missed very much by everyone in the government relations and political community, and he will always remain the faithful voice of encouragement to hunters in the field."

An avid sportsman, Mr. Wall was as comfortable staling woodland paths and fencerows in pursuit of game and fowl as he was walking the halls of Congress.

In accordance with Duffy's wishes, the funeral will be limited to his family and there will be no memorial service. Those who wish to remember him are encouraged to send contributions in lieu of flowers to:

MD Anderson Cancer Center, Foundation of America, R. Duffy Wall Lung Cancer Program, Cancer Research Prgm., P.O. Box 297153, Houston, TX 77297; or Cancer Research, R. Duffy Wall Lung, 1600 Duke Street, Suite 110, Alexandria, VA 22314.

He is survived by his wife Sharon Borg Wall; a daughter, Catherine Wall Montgomery; a son, Howard Wall; his mother Juanita F. Wall; two brothers and three grandchildren.

MILLENNIUM DIGITAL COMMERCE ACT

Mr. LEAHY. Mr. President, about two months ago, Senator ABRAHAM and I began holding a series of meetings involving industry and consumer representatives to work out a bill that would permit and encourage the continued expansion of electronic commerce, and promote public confidence in its integrity and reliability. Together, we solicited and received technical assistance from the Department of Commerce and the Federal Trade Commission. In late September, we put the finishing touches on a Leahy-Abraham substitute to S. 761.

On Tuesday night, after most members had left for the day, Senator ABRAHAM went to the floor and propounded a unanimous consent on a

very different substitute to S. 761. Because I was not able to respond fully to his comments the other night, I would like to do so now.

At the outset, let me say that I support the passage of federal legislation in this area. In particular, we need to ensure that contracts are not denied validity that they otherwise have simply because they are in electronic form or signed electronically.

As I have said many times, however, we must tread cautiously when legislating in cyberspace. Senator ABRAHAM's bill, S. 761, takes a sweeping approach, preempting countless laws and regulations, federal and state, that require contracts, records and signatures to be in traditional written form. My concern is that such a sweeping approach would radically undermine laws that are currently in place to protect consumers.

We are told that S. 761 will have tremendous benefits for "the public." Who exactly is "the public" that will benefit from this legislation? Not consumers. The bill is strongly opposed by consumer organizations across the country.

Supporters of this bill say that consumers will benefit from S. 761 because it will permit them to contract electronically for goods and services, and to obtain electronic records of their transactions. I agree that consumers should be able to contract online, but that is not the issue. Consumers already can contract for most things online, as anyone who has heard of such businesses as "amazon.com" and "ebay.com" knows. The issue here is whether we are going to allow public interest protections now applicable to private paper transactions to be circumvented simply by conducting the same transaction electronically.

Let me tell you about an incident that occurred in my office just this week. An industry lobbyist called to ask for a copy of my recent floor statement regarding this legislation. We sent him a copy as an attachment to an e-mail. An hour later, the same lobbyist called back to say that he had received the e-mail, but could not read the attachment. So we e-mailed it to him again, this time using a different word processing format. The lobbyist called back a third time to say that he still could not read the statement, and would we please fax a copy to his office, which we did. This sort of thing happens every day in offices and homes across the country.

It was only after we sent the fax that it occurred to me that under this bill, the unfortunate caller would have been deemed to have received written notice of my floor statement, in duplicate no less, before it ever reached him in a form he could read. No great loss in the case of my floor statement, but swap a bank and a homeowner for the Senator and the lobbyist in this story, and a foreclosure notice for the floor statement, and you can begin to see the harm this legislation could cause to ordinary Americans on a regular basis.